

Status: Point in time view as at 01/04/1991.

Changes to legislation: Roads (Scotland) Act 1984, Paragraph 66 is up to date with all changes known to be in force on or before 19 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

MINOR AND CONSEQUENTIAL AMENDMENTS

The Transport Act 1968 (c. 73)

- 66 (1) The Transport Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 116 (transfer of responsibility for maintenance of highways on bridges)—
- (a) in subsection (3), for the word “highway” where it occurs for the first and fourth times there shall in each case be substituted the word “roads”, and where it occurs for the second, third and fifth times there shall in each case be substituted the word “road”;
 - (b) for subsection (4) and (5) there shall be substituted the following subsection—

“(4) Where paragraphs (a) and (b) of subsection (1) of this section are not satisfied immediately before the appointed day in the case of any bridge as is mentioned in that subsection, or such a bridge as aforesaid is constructed after that day, then if on any subsequent day—

 - (a) the Board or Boards concerned are responsible for maintaining the road carried by the bridge, or that road together with the road giving access to the bridge (the “access road”); and
 - (b) the road at each end—
 - (ii) if the Board or Boards are also responsible for maintaining the access road, of the bridge and the access road,

is a public road,

the road (or roads) for which they are so responsible shall forthwith be entered by the local roads authority in the list of public roads kept by the authority under section 1 of the Roads (Scotland) Act 1984.”;
 - (c) in subsection (6)—
 - (i) at the beginning there shall be inserted the words “Without prejudice to the provisions of the said Act of 1984,” and
 - (ii) for the word “highway” where it occurs for the first, third, fourth and fifth times there shall in each case be substituted the word “road”, and where it occurs for the second time there shall be substituted the word “roads”;
 - (d) in subsection (7), for the word “highway” there shall be substituted the word “road”.
- (3) In section 117 (duties as respects bridges carrying highways)—

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- (a) in subsection (1)(a), for the word “highways” there shall be substituted the word “road”;
 - (b) in subsection (3)(b), for the words “when it is opened for traffic” there shall be substituted the words—
 - “(i) when the bridge is opened (the date of opening being before 1st January 1985) for traffic on the highway so carried;
 - (ii) when the bridge is opened (the date of opening being on or after 1st January 1985) for traffic on the road so carried.”;
 and
 - (c) in subsection (5), after the word “highway” there shall be inserted the words “, or as the case may be road.”
- (4) In section 118(1) (duty of highway authority as respects road bridge over railway or inland waterway)—
- (a) in paragraph (a), for the “highway” there shall be substituted the word “road”; and
 - (b) in paragraph (b), for the word “highway” there shall be substituted the word “roads”.
- (5) In section 119(1) (ending of liability of certain Boards to make payments in being relieved of responsibility for bridges carrying trunk or special roads)—
- (a) for the words “229 of the Highways Act 1959 or section 7 of the Trunk Roads Act 1946” there shall be substituted the words “266 of the Highways Act 1980 or section 80 of the Roads (Scotland) Act 1984”;
 - (b) after the word “highways”, in both places where it occurs, there shall be inserted the words “, or as the case may be roads,”;
 - (c) for the words “230 of the said Act of 1959 or section 8 of the Special Roads Act 1949” there shall be substituted the words “267 of the said Act of 1980 or section 81 of the said Act of 1984”;
 - (d) in paragraph (a), for the words “58(2) of the said Act of 1959, section 7(3) of the said Act of 1946 or section 8(2) of the said Act of 1949” there shall be substituted the words “55(2) of the said Act of 1980 or subsection (4) of the said section 80 (or that subsection as applied by subsection (2) of the said section 81)”, and after the word “highway” there shall be inserted the words “, or as the case may be road,”; and
 - (e) in paragraph (b), for the words “229(3) or 230(2) of the said Act of 1959 or the said section 7(3) or 8(2)” there shall be substituted the words “266(5) or 267(2) of the said Act of 1980 or subsection (4) of the said section 80 (or that subsection applied as aforesaid)”.
- (6) In section 121(8) (interpretation), at the end there shall be added the words “; and in the application of the said subsection (5) to Scotland the reference to a highway authority shall be construed as a reference to a roads authority.”.
- (7) In section 122 (further provision as regards interpretation)—
- (a) in subsections (1) and (3), for the word “highway”, wherever it occurs, there shall be substituted the word “road”; and
 - (b) subsection (4) shall cease to have effect.
- (8) In section 123 (power of highway and other authorities to contribute to cost of barriers, etc., at level crossings), for the word “highway” there shall be substituted the word “roads”.

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- (9) In section 124(1)(a) (Railways Board’s obligations at level crossings with roads other than public carriage roads), for the words “public carriage” there shall be substituted the words “carriageway of a public”.
- (10) In section 159(1) (general interpretation)—
- (a) after the definition of “bus service” there shall be inserted the following definition—
- ““carriageway” has the same meaning as in the Roads (Scotland) Act 1984;”;
- (b) in the definition of “highway authority”, paragraph (b) shall cease to have effect;
- (c) after the definition of “liability” there shall be inserted the following definition—
- ““local roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”;
- (d) after the definition of “plated weight” there shall be inserted the following definition—
- ““public road” has the same meaning as in the Roads (Scotland) Act 1984;”;
- and
- (e) after of “the Railways Board” there shall be inserted the following definitions—
- ““road” and “roads authority” have the same meaning as in the Roads (Scotland) Act 1984;”.

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